

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

GARWECH NYABOL CHUT,

)

4:06CV3033

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Plaintiff,

)

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v.

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**MEMORANDUM
AND ORDER**

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CHIEF OF HASTINGS POLICE
DEPARTMENT,

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Defendant.

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This matter is before the court on Plaintiff's motion for reconsideration of appointment of counsel. (Filing No. 54, Part 1.) In his motion, Plaintiff indicates that he is making progress towards obtaining counsel. The court cannot routinely appoint counsel in civil cases. In *Davis v. Scott*, 94 F.3d 444, 447 (8th Cir. 1996), the Eighth Circuit Court of Appeals explained that "[i]ndigent civil litigants do not have a constitutional or statutory right to appointed counsel. . . . The trial court has broad discretion to decide whether both the plaintiff and the court will benefit from the appointment of counsel." *Id.*

At this time, the court will not appoint counsel. Plaintiff's motion for reconsideration is therefore denied. As set forth in the court's previous order, the court may reconsider the appointment of counsel as the case progresses to trial. (Filing No. 40 at CM/ECF p. 8.) However, Plaintiff is encouraged to continue his efforts to obtain counsel without the involvement of the court.

IT IS THEREFORE ORDERED that:

1. Plaintiff's motion for reconsideration (filing no. 54, part 1) is denied.

2. The Clerk of the court is directed to send a copy of the Order Setting Schedule for Progression of a Civil Case (filing no. 52) to Plaintiff at his new address.

October 17, 2007.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge